



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MAY 26 2016

Mr. Rob Kapp
Division of Facilities Management
192 Transit Lane
Dover, Delaware 19901

RE: Notice of Violation, Docket No. SDWA-003-2016-023-VS
Dover, Kent County, Delaware, PWS ID No. DE0000818

Dear Mr. Kapp:

The following Notice of Violation and Request for Information is issued pursuant to Sections 1414(a) and 1445 of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-3(a) and 300j-4(a), and is a coordinated effort with the Delaware Health and Social Services (DHSS). According to our records and information received from DHSS, your public water system has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, the National Primary Drinking Water Regulations (NPDWR) found at 40 Code of Federal Regulations (CFR) Part 141.

NOTICE OF VIOLATION

FINDINGS

Based on information we possess:

1. The state of Delaware is the owner of the Delaware State Fire School public water system (PWS), PWS Identification Number DE0000818 (System). Respondent is a "person" as defined by Section 1401(12) of the SDWA and 40 C.F.R. §141.2.
2. According to the information provided by Delaware Health and Social Services (DHSS), the System serves approximately 219 persons and has 1 service connection. Delaware State Fire School is a "public water system" and a "transient non-community system," as defined by Sections 1401(4) and 1401(15) of the SDWA, 42 U.S.C. § 300f(15), and by 40 C.F.R. §141.2.
3. The System has exceeded the maximum contaminant level (MCL) for total coliforms during the monthly compliance monitoring periods from July 2014 to March 2016, according to 40 C.F.R. §141.63.



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The Environmental Protection Agency ("EPA") is available to provide advice and technical assistance to help address the above FINDINGS. Please contact Mr. Jeremy Dearden at 215-814-5351, if you want to request such advice or assistance.

This Notice of Violation is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g -3(a). After thirty (30) days from the date of this notice, EPA is authorized either to issue an Administrative Order under Section 1414(g) requiring the public water system to comply, or to commence a civil action under Section 1414(b). Violations of the SDWA and the regulations are subject to penalties of up to \$37,500 per day of violation.

REQUEST FOR INFORMATION

Section 1445(a) of the SDWA, 42 U.S.C. §300j-4(a), authorizes EPA to require owners and operators of public water systems to provide information as may be necessary to carry out the purposes of the SDWA.

Pursuant to Section 1445(a) of the SDWA, Respondent is required to provide EPA with the following information. This requirement to submit information is mandatory. Compliance with this requirement does not relieve Respondent of any liability for violations of the SDWA. Respondent may be subject to civil and criminal sanctions if it provides misleading or false information or fails to provide the requested information. Information which Respondent provides may be used by EPA in administrative, civil or criminal proceedings.

You may, if desired, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein, it may be made available to the public by EPA without further notice to you. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).

The instructions for responding are as follows:

- a. A separate narrative response must be made for each question set forth below and for any subparts of each question.
- b. Label each response with the corresponding number of the question and any subpart to which it responds.

Accordingly, pursuant to Section 1445(a) of the SDWA, Respondent is directed to provide EPA the following information.

1. Name and street address of the owner of the System. If this is a corporation, provide the names, titles, and addresses of officers. Do not provide a post office box.
2. Name and street address of the operator or operators of the System, and state certification number, if applicable. Do not provide a post office box. If this is a corporation, provide the names, titles, and addresses of officers.
3. Number of persons served drinking water by the system per day on average.

4. Number of service connections to the System.
5. The existing plans and schedules to resolve the MCL violations stated in the Notice of Violation.

Your response to this Notice of Violation and Request for Information shall be in writing. **Your response is due within thirty (30) days of receipt of this Notice of Violation and Request for Information.** You should submit your response to:

Mr. Jeremy Dearden
United States Environmental Protection Agency
Ground Water and Enforcement Branch (3WP22)
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
dearden.jeremy@epa.gov


And

Mr. Edward Hallock
Delaware Health and Social Services
Division of Public Health
Office of Drinking Water
43 South DuPont Hwy.
Dover, DE 19901
edward.hallock@state.de.us

If you have any questions, please call Jeremy Dearden at (215) 814-5351.

EPA has determined that your System may be a "small business" under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The enclosed document entitled "Information for Small Businesses" provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Sincerely,



Karen D. Johnson, Chief
Ground Water and Enforcement Branch

cc: Edward Hallock, Delaware Health and Social Services,
Kevin Cottman, Delaware Health and Social Services

